

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 05-10053-NMG
)	
TYRONE B. BATTLE,)	
a/k/a TYERONE BATTLE,)	
)	
Defendant.)	

**GOVERNMENT'S MOTION TO SCHEDULE A HEARING OR, IN THE
ALTERNATIVE, A STATUS CONFERENCE, REGARDING DEFENDANT'S
MOTION TO SUPPRESS, AND FOR AN ORDER ON EXCLUDABLE DELAY**

The government respectfully moves for a hearing or, in the alternative, a status conference, regarding defendant's motion to suppress, and for an order on excludable delay.

As grounds therefor, the government states the following:

1. The defendant filed a motion to suppress evidence and statements, and supporting memorandum of law, on or about June 22, 2005. The defendant requested an evidentiary hearing and argument on his motion.

2. The defendant filed an affidavit in support of his motion to suppress evidence and statements on or about June 29, 2005.

3. The defendant filed a supplemental memorandum of law in support of his motion to suppress evidence and statements on or about July 14, 2005.

4. The government filed its memorandum of law in opposition to defendant's motion to suppress evidence and statements on or about August 1, 2005.

5. To date, no evidentiary hearing date has been scheduled on the suppression motion.

6. U.S. Magistrate Judge Judith G. Dein has excluded all time through June 20, 2005. The Speedy Trial clock thus began to run on August 1, 2005, with the filing of the government's memorandum in opposition to defendant's suppression motion on the same date.

WHEREFORE, the government respectfully requests that the Court grant its motion to schedule a hearing or, in the alternative, a status conference, regarding defendant's motion to suppress, and, further to exclude from the time calculated under the Speedy Trial Act, pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and (J), **the period from August 1, 2005 through the date of the hearing or status conference on the motion to suppress**, pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(ii), on the ground that such exclusion is in the best interests of justice.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney
(617) 748-3103

Date: October 13, 2005

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
October 13, 2005

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, certify that I caused a copy of the foregoing to be served by electronic notice to Mark W. Shea, Esq., Shea, LaRocque & Wood, LLP, 47 Third Street, Suite 201, Cambridge, MA 02141.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney